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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LINE ROTHMAN,

Plaintiff

Civil Action No.

v.

TARGET CORP.; MOTHERSWEAR
INTERNATIONAL; KOHLS DEPARTMENT
STORES; AMAZON.COM, INC.;
MOTHERSWORK, INC.; FEDERATED
DEPARTMENT STORES, INC.; MACY'S
DEPARTMENT STORES; and JOHN DOES 1-10,

**COMPLAINT AND
JURY DEMAND**

Defendants.

Plaintiff Line Rothman (hereinafter "Rothman"), with personal knowledge as to her own acts and with information and belief as to the acts and events relating to others, by and through her attorneys, complains as follows and seeks damages for injuries caused by each and every Defendant.

INTRODUCTION

In March 2000, Line Rothman gave birth to her first child. As a nursing mother who was unable to find a commercially available nursing

garment that was convenient and discreet to use as well as flattering to her figure, she invented a new nursing garment of her own design. On October 6, 2000, Rothman filed a patent application for her invention. She was issued United States Patent No. 6,855,029 (“the ‘029 patent”), entitled “Stretchable Nursing Tank Top With Invisible Breast Support”.

Ms. Rothman has established a business to market her invention and now sells nursing garments, both wholesale and retail, via the Internet through Glamourmom LLC (www.glamourmom.com) which she owns with her husband, Michael Rothman.

Defendants herein represent a group of wholesalers and retailers now profiting from the sale of nursing garments infringing Ms. Rothman’s patent.

JURISDICTION AND VENUE

1. This court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this claim arises under the United States patent laws, Title 35 of the United States Code.

2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400. Defendants manufacture and/or sell their respective infringing products in or into the United States with the full knowledge and expectation that they would be sold and used in New Jersey, including in this district.

PARTIES

1. Plaintiff Line Rothman is an individual residing in Rye, New York with a place of business known as Glamourmom located at 2 Laurel Street, Rye, New York 10580.

2. Defendant Target Corp. is a corporation organized and existing under the laws of the State of Minnesota. Its authorized officers, principal place of business and home office are at 1000 Nicollet Mall, Minneapolis, MN 55403. Target Corp.'s infringing products include its Target In(Due)Time maternity nursing camisole, product number D219, which upon information and belief, is manufactured for defendant Target by Leading Lady, Inc.

3. Defendant Motherswear International, Inc. is a corporation organized and existing under the laws of the Commonwealth of Massachusetts. Its authorized officers, principal place of business and home office are at 320 Riverside Dr., Suite C, Florence, MA 01062, telephone (800) 950-2500 and its registered agent is George Peter Laufer. Motherswear International's infringing products include the Leading Lady Nursing Bra Tank or Nursing Tank with Full Sling or Drop Cup Nursing Camisole, product number 718.

4. Defendant Kohls Department Stores is a corporation organized and existing under the laws of the State of Wisconsin. Its authorized officers, principal place of business and home office are at 2315 N. 124th

Street, Brookfield, WI 53005, telephone (262) 703-7000 and its registered agent is CT Corporation, Madison, WI. Kohls Department Stores' infringing products include the Leading Lady Nursing Bra Tank or Nursing Tank with Full Sling or Drop Cup Nursing Camisole, product number 718, and Leading Lady Nursing Tank / Pajamas, product number 719.

5. Defendant Motherswork, Inc. is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania. Its authorized officers, principal place of business and home office are at 456 North Fifth St., Philadelphia, PA 19123, telephone (215) 873-2200. Motherswork's infringing products include its Mimi Maternity nursing tank with shelf bra, product number 62876-07, Motherhood nursing tank or nursing cami, product number 91874-10, Motherhood nursing bra tank with lace trim, product number 97650-10 and Mimi nursing nightgown.

6. Defendant Federated Department Stores, Inc. is a corporation organized and existing under the laws of the State of New York. Its authorized officers, principal place of business and home office are at 7 West 7th Street, Cincinnati, OH, and its registered agent is Corporation Service Company, Albany, NY. Federated Department Stores, Inc. by and through its subsidiaries and/or component entities sells infringing products including Motherswork's Mimi Maternity nursing tank with shelf bra, product number 62876-07, Motherhood nursing tank or nursing cami,

product number 91874-10, Motherhood nursing bra tank with lace trim, product number 97650-10 and Mimi nursing nightgown.

7. Defendant Macy's, upon information and belief, is a subsidiary of Defendant Federated Department Stores. Its home office is at 170 O'Farrell Street, San Francisco, CA 94102. Macy's sells infringing products including Motherswork's Mimi Maternity nursing tank with shelf bra, product number 62876-07, Motherhood nursing tank or nursing cami, product number 91874-10, Motherhood nursing bra tank with lace trim, product number 97650-10 and Mimi nursing nightgown.

8. Defendant Amazon.com Inc. is a corporation organized and existing under the laws of the State of Washington. Its authorized officers, principal place of business and home office are at 1200 12th Ave South, #1200, Seattle, WA 98144-2734, telephone (206) 266-1000 and its registered agent is CT Corporation, Seattle, WA. Amazon.com Inc.'s infringing products include the Leading Lady Nursing Bra Tank or Nursing Tank with Full Sling or Drop Cup Nursing Camisole, product number 718, and Leading Lady Nursing Tank / Pajamas, product number 719, Motherswork's Mimi Maternity nursing tank with shelf bra, product number 62876-07, Motherhood nursing tank or nursing cami, product number 91874-10, Motherhood nursing bra tank with lace trim, product number 97650-10 and Mimi nursing nightgown.

COUNT ONE
PATENT INFRINGEMENT

9. Rothman is the named inventor and owner of United States Patent No. 6,855,029 (“the ‘029 patent”), entitled “Stretchable Nursing Tank Top With Invisible Breast Support”.

10. Defendants Target Corp., Motherswear International, Kohls Department Stores and Amazon.com Inc. make, sell or offer for sale products including the Leading Lady Nursing Bra Tank or Nursing Tank with Full Sling or Drop Cup Nursing Camisole, product number 718, and Leading Lady Nursing Tank / Pajamas, product number 719, which infringe the ‘029 patent.

11. Defendants Federated Department Stores, Inc., Macy’s and Amazon.com Inc. make, sell or offer for sale products including the Motherswork Mimi Maternity nursing tank with shelf bra, product number 62876-07, Motherhood nursing tank or nursing cami, product number 91874-10, Motherhood nursing bra tank with lace trim, product number 97650-10 and Mimi nursing nightgown, which infringe the ‘029 patent.

12. Defendants have been, and are now, directly infringing the ‘029 patent by making, using, selling, and/or offering to sell their respective infringing products in violation of 35 U.S.C. § 271. The sale, offering to sell and/or use of the respective infringing products has occurred in the District of New Jersey and elsewhere.

13. Defendants have been, and are now, committing acts of inducement to infringe the '029 patent by inducing others to make, use, sell or offer to sell their respective infringing products in violation of 35 U.S.C. § 271. The sale, offering to sell and/or use of the respective infringing products has occurred in the District of New Jersey and elsewhere.

14. All of the acts of defendants aforesaid have been without right or license from Rothman.

15. Defendants' infringement of the '029 patent has been willful.

16. Defendant's infringement will continue unless enjoined by the Court.

17. As a result of defendants' infringing activities, Rothman has been and continues to be damaged in an amount that will be proven at trial.

18. As a result of defendants' infringing activities, Rothman has suffered irreparable injury.

REQUESTED RELIEF

WHEREFORE, Rothman asks that this Court enter judgment in her favor against defendants, granting the following relief:

- A. That defendants, their agents, servants, employees, and other persons in active concert or participation with them, be preliminarily enjoined: from directly or indirectly making or causing to be made, manufacturing, selling, offering for sale or causing to be sold, using, or in any way distributing any nursing

garment which infringes any claim of the '029 patent, and from contributing to, or inducing such infringement by others.

B. That this court enter a judgment that the '029 patent is valid and has been infringed by defendants.

C. That defendants, their agents, servants, employees, and other persons in active concert or participation with them, be permanently enjoined: from directly or indirectly making or causing to be made, manufacturing, selling, offering for sale or causing to be sold, using, or in any way distributing any nursing garment which infringes any claim of the '029 patent, and from contributing to, or inducing such infringement by others.

D. That an accounting be made to determine damages for all forms of defendant's infringement.

E. That Rothman recover Provisional Rights damages pursuant to 35 U.S.C. §154(d) from defendants resulting from their infringing activities from April 18, 2002 to February 14, 2005.

F. That Rothman recover Patent Infringement damages pursuant to 35 U.S.C. §271 from defendants resulting from their infringing activities beginning February 15, 2005.

G. That the amount of damages found under 35 U.S.C. §271 be trebled for willful infringement pursuant to 35 U.S.C. § 284.

- H. That Rothman recover interest and costs pursuant to 35 U.S.C. § 284.
- I. That an assessment of prejudgment and post judgment interest be determined.
- J. That a finding be made that this is an exceptional case and that plaintiff be awarded her reasonable attorney fees pursuant to 35 U.S.C. § 285.
- K. That plaintiff has such other relief as the court deems just and proper.

JURY DEMAND

In accordance with *Civ. R.* 38, Plaintiff Line Rothman demands a trial by jury of all issues triable of right by a jury.

Respectfully submitted,

/s/Arnold M. Mellk
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Date: October 5, 2005

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